

Approved:

Charles M. Hess,

*Chief, Operations, Construction and
Readiness Division, Directorate of Civil
Works.*

[FR Doc. 97-11394 Filed 5-1-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. NJ26-2-165, FRL-
5813-9]

Approval and Promulgation of Implementation Plans; New Jersey; Consumer and Commercial Products Rule

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is announcing the approval of a revision to the New Jersey State Implementation Plan (SIP) for the attainment and maintenance of the national ambient air quality standards for Ozone. The SIP revision was submitted by the New Jersey Department of Environmental Protection and consists of the adopted new rule Subchapter 24, "Control and Prohibition of Volatile Organic Compounds (VOCs) from Consumer and Commercial Products," which establishes limits on the amount of VOCs contained in certain consumer and commercial products. The intended effect is to reduce the emission of VOCs released to the atmosphere which will assist in attaining the health based ozone air quality standard.

EFFECTIVE DATE: This rule will be effective June 2, 1997.

ADDRESSES: Copies of New Jersey's submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region 2 Office, Air Programs Branch,
290 Broadway, 25th Floor, New York,
New York 10007-1866.

New Jersey Department of
Environmental Protection, Office of Air
Quality Management, Bureau of Air
Pollution Control, 401 East State Street,
CN027, Trenton, New Jersey 08625.

Environmental Protection Agency, Air
and Radiation Docket and Information
Center, Air Docket (6102), 401 M Street,
S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Kirk
J. Wieber, Environmental Engineer, Air
Programs Branch, Environmental
Protection Agency, 290 Broadway, 25th

Floor, New York, New York 10007-
1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION: On
January 21, 1997 (62 FR 2984) EPA
published, in the **Federal Register**, a
proposed approval of a request by the
State of New Jersey to revise its State
Implementation Plan (SIP) for ozone.
This revision to the New Jersey Ozone
SIP added Subchapter 24, "Control and
Prohibition of Volatile Organic
Compounds from Consumer and
Commercial Products," of New Jersey
Administrative Code (N.J.A.C) of 7:27-
24. This new rule was adopted by New
Jersey on October 3, 1995 and became
effective upon publication in the New
Jersey Register on November 6, 1995.

The revisions and rationale for EPA's
approval and rulemaking actions were
explained in the January 21, 1997
proposal and will not be restated here.
The reader is referred to the proposal for
a detailed explanation of New Jersey's
SIP revision. In response to EPA's
proposed approval of New Jersey's SIP
revision, no comments were received.

Conclusion

EPA is approving the adoption of new
rule Subchapter 24, "Control and
Prohibition of Volatile Organic
Compounds from Consumer and
Commercial Products" into the New
Jersey SIP for the attainment and
maintenance of the national ambient air
quality standards for Ozone.

Nothing in this action should be
construed as permitting or allowing or
establishing a precedent for any future
request for revision to any SIP. Each
request for revision to the SIP shall be
considered separately in light of specific
technical, economic, and environmental
factors and in relation to relevant
statutory and regulatory requirements.

Administrative Requirements

Executive Order 12866

This action has been classified as a
Table 3 action for signature by the
Regional Administrator under the
procedures published in the **Federal
Register** on January 19, 1989 (54 FR
2214-2225), as revised by a July 10,
1995 memorandum from Mary Nichols,
Assistant Administrator for Air and
Radiation. The Office of Management
and Budget has exempted this
regulatory action from E.O. 12866
review.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act,
5 U.S.C. 600 *et seq.*, EPA must prepare
a regulatory flexibility analysis
assessing the impact of any proposed or
final rule on small entities. 5 U.S.C. 603

and 604. Alternatively, EPA may certify
that the rule will not have a significant
impact on a substantial number of small
entities. Small entities include small
businesses, small not-for-profit
enterprises, and government entities
with jurisdiction over populations of
less than 50,000.

SIP approvals under section 110 and
subchapter I, part D of the Clean Air Act
(Act) do not create any new
requirements but simply approve
requirements that the state is already
imposing. Therefore, because the federal
SIP approval does not impose any new
requirements, I certify that it does not
have a significant impact on any small
entities affected. Moreover, due to the
nature of the Federal-State relationship
under the Act, preparation of a
flexibility analysis would constitute
federal inquiry into the economic
reasonableness of state action. The Act
forbids EPA to base its actions
concerning SIPs on such grounds.
Union Electric Co. v. U.S. EPA, 427 U.S.
246, 255-66 (1976); 42 U.S.C.
7410(a)(2).

Unfunded Mandates

Under section 202 of the Unfunded
Mandates Reform Act of 1995
("Unfunded Mandates Act"), signed
into law on March 22, 1995, EPA must
prepare a budgetary impact statement to
accompany any proposed or final rule
that includes a Federal mandate that
may result in estimated annual costs to
state, local, or tribal governments in the
aggregate; or to the private sector, of
\$100 million or more. Under Section
205, EPA must select the most cost-
effective and least burdensome
alternative that achieves the objectives
of the rule and is consistent with
statutory requirements. Section 203
requires EPA to establish a plan for
informing and advising any small
governments that may be significantly
or uniquely impacted by the rule.

EPA has determined that the approval
action promulgated does not include a
federal mandate that may result in
estimated annual costs of \$100 million
or more to either state, local, or tribal
governments in the aggregate, or to the
private sector. This federal action
approves pre-existing requirements
under state or local law, and imposes no
new requirements. Accordingly, no
additional costs to state, local, or tribal
governments, or to the private sector,
result from this action.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added
by the Small Business Regulatory
Enforcement Fairness Act of 1996, EPA

submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 1, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 7, 1997.
William J. Muszynski,
Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart FF—New Jersey

2. Section 52.1570 is amended by adding new paragraph (c)(62) to read as follows:

§ 52.1570 Identification of plan.
* * * * *

(c) * * *

(62) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from consumer and commercial products, dated January 25, 1996 submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Title 7, Chapter 27, Subchapter 24, of the New Jersey Administrative Code entitled "Control and Prohibition of Volatile Organic Compounds from Consumer and Commercial Products" effective November 6, 1995.

(ii) Additional material.

(A) January 25, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox, EPA, requesting EPA approval of Subchapter 24.

3. In 52.1605 the table is amended by adding a new entry for Subchapter 24 under the heading "Title 7, Chapter 27" to the table in numerical order to read as follows:

§ 52.1605 EPA—approved New Jersey regulations.

State regulation	State effective date	EPA approved date	Comments
* * * Title 7, Chapter 27	*	*	*
* * * Subchapter 24, "Control and Prohibition of Volatile Organic Com- pounds from Consumer and Commercial Products".	* Nov. 6, 1995	* May 2, 1997 66 FR.	*
* * *	* *	* *	*

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[LA-38-1-7322; FRL-5814-3]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Approval of the Maintenance Plan for Calcasieu Parish; Redesignation of Calcasieu Parish to Attainment for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On February 6, 1997, EPA published a notice of proposed rulemaking discussing its decision to approve a revision to the Louisiana

State Implementation Plan (SIP) to redesignate Calcasieu Parish to attainment for ozone. See **Federal Register** (62 FR 5555). No adverse comments were received during the 30-day comment period. This rule finalizes EPA's decision to approve the redesignation of Calcasieu Parish, Louisiana to attainment for ozone.

EFFECTIVE DATE: This action is effective on June 2, 1997.

ADDRESSES: Copies of the State's request and other information relevant to this action are available for inspection during normal hours at the following locations:

Environmental Protection Agency,
Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Suite 700,
Dallas, Texas 75202-2733.
Air and Radiation Docket and
Information Center, Environmental
Protection Agency, 401 M Street,
S.W., Washington, D.C. 20460.
Louisiana Department of Environmental
Quality, Office of Air Quality, 7290

Bluebonnet Boulevard, Baton Rouge,
Louisiana 70810.

Anyone wishing to review this document at the EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Lt. Mick Cote, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7219.

SUPPLEMENTARY INFORMATION: The specific rationale EPA used to approve the redesignation of Calcasieu Parish to attainment for ozone was explained in the proposed rulemaking and will not be restated here. This rule announces EPA's final action regarding approval of the redesignation request.

I. Final Rulemaking Action

In this final action EPA is promulgating a revision to the Louisiana SIP and the Code of Federal Regulations, parts 52 and 81, to